

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on September 2, 2005, the Examiner objected to claims 10-17, and rejected claims 1-4 and 7 under 35 U.S.C. §102(b) as being anticipated by Silvas (United States Patent No. 5,755,110, hereinafter "Silvas"). The Examiner also indicated that claims 10-20 are allowed, and that claims 5, 6, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully provides the following:

Objection to the Claims

In the Office Action, the Examiner objected to claims 10-17 because of informalities and objected to claims 5, 6, 8 and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that the amendments provided herein overcome the objections made by the Examiner.

Rejections under 35 U.S.C. 102

In the Office Action, the Examiner rejected claims 1-4 and 7 under 35 U.S.C. §102(b) as being anticipated by Silvas. Applicant respectfully submits that the claim set as provided herein is not anticipated by the cited reference.

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

"... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."

Applicant respectfully submits that the cited reference does not teach every aspect of the amended claim set as provided herein and therefore does not anticipate the claims of the present invention.

In particular, independent claim 1 recites a headgear cooling liner comprising: a liquid permeable pocket partition containing a liquid-absorbing material, the pocket partition including a cushioning device; and a ventilation portion adjacent to the pocket partition that establishes an air space to provide air ventilation. Applicant respectfully submits that Silvas does not teach or suggest a headgear cooling liner as recited in independent claim 1. In addition, the corresponding dependent claims place further limitations on otherwise allowable subject matter.

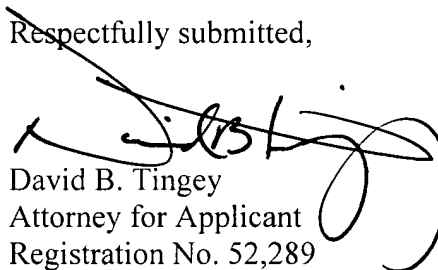
Accordingly, Applicant respectfully submits that the cited reference does not teach every aspect of the claims as provided herein and therefore does not anticipate claims as provided herein. Moreover, Applicant respectfully submits that the cited reference does not make obvious the claims as provided herein. For at least these reasons, rejection of the claims is respectfully requested to be withdrawn.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 16th day of November, 2005.

Respectfully submitted,



David B. Tingey
Attorney for Applicant
Registration No. 52,289

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 323-5986
Facsimile: (801) 321-4893

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